



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAY DEES, INC., PHILLIP MARKS, and  
STEPHEN KEVELSON,

Plaintiffs,

v.

DEFENSE TECHNOLOGY SYSTEMS,  
INC., JOHN BRADY, EDWARD McPHEE,  
AND DANIEL McPHEE,

Defendants and  
Third-Party Plaintiffs,

v.

JOHN SCOTTO,

Third-Party Defendant.

C05-6954 SAS(TSZ)

MINUTE ORDER

(1) The Court has reviewed the parties letter status report of March 23, 2009. The Court concludes that Mr. Ciacci may not represent Mr. Scotto in the ongoing litigation without the consent of individual plaintiffs. The letter indicates individual plaintiffs will not consent. Therefore, Mr. Scotto must retain other counsel or proceed to trial pro se.

(2) The Court will proceed to a jury trial on Monday, April 20, 2009, commencing at 9:30 a.m.

(3) A pretrial conference is scheduled for April 14, 2009, at 1:00 p.m. Seattle time (4:00 p.m. New York time). Counsel and pro se parties may appear telephonically. Plaintiffs' counsel shall have responsibility for initiating a conference call with all counsel and pro se parties, and then contacting the Court at (206) 370-8830.

1 (4) An agreed pretrial order shall be filed by April 3, 2009, in the form discussed  
2 during the status conference. Trial briefs, proposed voir dire questions, and jury instructions  
shall be filed by April 10, 2009.

3 (5) The Clerk is directed to send a copy of this Minute Order to all counsel of  
4 record.

5 Filed and entered this 23rd day of March, 2009.

6 **A**

7 Thomas S. Zilly  
8 United States District Judge  
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